

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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ANTHONY MENDES  
AND DORIS MENDES,

Plaintiffs,

v.

CENDANT MORTGAGE,

Defendant.

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C. A. No.: 05-11765-DPW

**ASSENTED TO MOTION TO EXTEND DISCOVERY CUT-OFF,  
EXPERT DISCLOSURE AND SUMMARY JUDGMENT FILING  
DATES IN LIGHT OF PLAINTIFFS' SON RETURNING FROM IRAQ**

Plaintiffs, Anthony Mendes and Doris Mendes, hereby move to continue (1) the discovery cut-off date to June 30, 2006, (2) the expert report disclosure date to July 7, 2006; and (3) the summary judgment motion filing date to August 25, 2006. As grounds therefor Plaintiffs state as follows:

1. Plaintiffs' son had been stationed in Iraq for six months.
2. Plaintiffs' depositions had been scheduled to occur on May 1 and 2, 2006, and additional depositions were scheduled after Plaintiffs' depositions (the "Additional Depositions"). Plaintiffs, however, indicated that their son could be home on leave from Iraq during the week of May 1, 2006, and, therefore, the parties agreed to reschedule the Plaintiffs' depositions to May 18 and 19, 2006 and to postpone the Additional Depositions until after Plaintiffs' depositions.

3. Plaintiffs' son, however, unexpectedly did not return home from Iraq until May 13, 2006. He departed on May 19. Accordingly, Plaintiffs' depositions were further postponed so that they could spend time with their son.

4. Plaintiffs will be available on dates later in May 2006.

5. The parties' counsel, however, have conflicts that prevent them from covering Plaintiffs' depositions during that period and completing the Additional Depositions. For example, Defendant's counsel is unavailable from May 22 to on or about May 31, and from June 5 to June 16. Plaintiffs' counsel is unavailable on May 25, 26 and 31 and from June 1 through June 13.

6. Anthony Mendes, however, has agreed to appear for his deposition on June 1, 2006, and the parties are negotiating dates for Doris Mendes's deposition during the week of June 19, 2006.

7. To accommodate the schedules of Plaintiffs in light of the arrival of their son on leave and to accommodate the schedules of counsel, Plaintiffs ask that the discovery cut-off date be extended to June 30, 2006, that the date for disclosing expert reports be extended to July 7, 2006, and that the date for filing summary judgment motions be extended to August 25, 2006.

WHEREFORE, Plaintiffs request that their Assented To Motion to Extend  
Discovery Cut-Off, Expert Disclosure, and Summary Judgment Filing Dates be allowed.

ANTHONY AND DORIS MENDES

By their attorney,  
LAW OFFICE OF CHRISTOPHER J. TROMBETTA

/s/ Christopher J. Trombetta  
Christopher J. Trombetta (BBO# 556923)  
310 North Main Street, Suite 6  
Mansfield, MA 02048  
(508) 339-5900

ASSENTED TO:

PHH MORTGAGE CORP.  
f/k/a/Cendant Mortgage

By its attorney,

FOLEY & LARDNER LLP

/s/ Andrew K. Goldstein  
Andrew K. Goldstein, Esq. (BBO# 552239)  
111 Huntington Avenue  
Boston, MA 02199  
(617) 342-4000  
[agoldstein@foley.com](mailto:agoldstein@foley.com)

Dated: May 23, 2006

**CERTIFICATE OF SERVICE**

I, Andrew K. Goldstein, hereby certify that on May 23, 2006, a true copy of the Assented-to-Motion to Extend Discovery Cut-Off, Expert Disclosure and Summary Judgment filing Dates, filed through the ECF system will be sent electronically to counsel for Plaintiff, Christopher J. Trombetta.

/s/ Andrew K. Goldstein